

A KEEN UNDERSTANDING OF HITLER'S POLICIES

BY: A.E. SAMAN ~ JUNE 19TH, 2013

The seeds of Holocaust denial take root and prosper with misinformation. Clarity and transparency are imperative, as they leave no room for denial theories that would deprive the victims justice, or rob the living of a future. As discussed in the first book of the series, "From a 'Race of Masters' to a 'Master Race': 1948 to 1848", the amount of collaboration by American and British scientists in Germany's eugenic program has been drastically underreported, if not intentionally omitted from the historical record. Comparing the sizeable amount of documents evidencing the collaboration to the history actually told leaves one doubting the possibility that this aspect of WWII history was innocently forgotten or overlooked.

The generally accepted history is that a chasm existed between the United States and Hitler's Germany, with his murderous eugenic policies only coming to light as the American Armed Forces stumbled across the various death camps. This view conveniently forgets that eugenics was a British creation which was highly refined and codified into practical law in the United States and then exported to Germany. Hitler was neither a scientist nor an original thinker. The eugenic notions generously expounded in "Mein Kampf" were lifted from the works of leading eugenic-minded scientists from the United States, Britain, and Germany. To be precise, Hitler was exposed to eugenics by his publisher, J.F. Lehmann, whom brought Hitler several key eugenic textbooks while Hitler was writing "Mein Kampf". About the only thing saving the American and British eugenics movement from complete embarrassment was precisely that Hitler was a plagiarist and thus did not cite the sources of his

inspiration or information. Thus, the eugenic concepts written into Hitler's infamous book are still to this day seldom traced back to their scientific origins.

To make matters worse, it also seems as if the origins of National Socialism's eugenic policies were intentionally omitted from the record at the Nuremberg Trials. The term is nowhere to be found in the trial transcripts. Instead, the American prosecutors characterized the murders as "thanatology", a term no one inside of Hitler's Third Reich ever used to describe their intentions. This is more than a technicality. The Nuremberg Trials were basically criminal trials, if not the most important criminal trials of all human history. As with any criminal proceedings, the pinpointing of "intent" is paramount. This is how civilized societies differentiate between "murder" and "manslaughter", or more precisely, how trials for war crimes differentiate from accidental civilian deaths and actual violations of International Law. Defining the intent behind the "crimes against humanity" was crucial towards an understanding not just the "motive" and "intent", but the core ideology of a movement fueled by ideological dogma like no other political movement in world history.

Furthermore, the Nuremberg Trials were supposed to define with "conspicuous clarity" (the term used by the American prosecution) the precise nature of these unprecedented "crimes against humanity" in order to prevent their repetition. This is an exercise in clarity: defining the ideology and dogma, or the mindset that led to the "crimes" as accurately as possible. No ideological debate, no war of ideology, can be won if one misunderstands the ideology one is fighting. Any steps taken that obscured the nature of Hitler's National Socialism worked against the very reason for holding the Trials. Yet, this is precisely what happened. The American prosecution at Nuremberg clearly sidestepped any mention of "eugenics", despite the fact this was the ideology at the center of all the sterilization, segregation, euthanasia, and extermination conducted by Hitler's government.

It has taken decades and the fall of the Berlin Wall to start piecing together a history of active collaboration that occurred between Hitler's

scientists and American and British eugenicists. This forgotten history prompted this author to investigate further into exactly what the American public knew about the inner workings of Hitler's Germany. The trail of historical documents in various archives made it amply clear as to the extent of "aiding and abetting" by key individuals. The question remained as to what information was available to the general public. I decided to conduct a study of prominent newspapers of the era. I wanted to construct a profile of the American *zeitgeist* during the eugenics era between WWI and WWII. Two newspapers were selected: The New York Times, and the Chicago Tribune, and key magazines such as TIME and LIFE were surveyed. Their online archives were mined for terms such as "eugenics", "race hygiene", "Nuremberg", "sterilization", "miscegenation", and other terms hand-picked to find long forgotten newspaper articles. The date range utilized started with the year 1900 in order to capture what the international eugenics movement was publicized for leading up to WWII, and canvased up to 1960 in order to capture any introspection or retrospection in the aftermath of the Nuremberg Trials. Several trends surprised me after reading the stack of articles that resulted:

- 1.) The American newspapers provided a pretty accurate description of what eugenicists in the U.S. and Britain were up to between 1900 and 1940.
- 2.) There was an in-depth and accurate understanding of the role of eugenics within Hitler's Germany, especially as the now infamous Nuremberg Laws were scrutinized between 1933 and 1935.
- 3.) Eugenics was understood as central to Hitler's National Socialism, and routinely depicted as such until up to 1942, upon which coverage began to exclude any comparison between American and German eugenic legislative proposals and measures.
- 4.) Eugenics was described and understood as an international movement, with Leonard Darwin, Karl Pearson, Charles Davenport, Eugen Fischer, Harry H. Laughlin, and others clearly documented as the champions of the cause.
- 5.) Any of the civil servants, lawyers, judges, or doctors within any of the 30 States in the Union that implemented Harry

H. Laughlin's "Model Eugenic Law" would have (or should have) easily recognized the three-panel eugenic courts as substantially similar, if not identical, to those in place within the various States in the Union.

6.) The term "eugenics" stops being mentioned as reports of the extermination began appearing. Newspapers that once reported the measures as part of National Socialism's eugenic policy started reporting them as something quite different despite the obvious connections.

We are asked to believe that the inner workings of Hitler's Germany were obscure to Americans. A good example of how small the world was even during the days before radio and television can be found in the April 25th, 1934 article where Germans cite the acts of the American gangster John Dillinger as justification as to why Americans should not criticize their policies:

BERLIN, April 24. -(AP)- With John Dillinger loose no voices ought to be raised in America against Hitlerism, the newspaper *Zweolf Uhr Blatt* said today. It advised the United States to take a lesson from Nazi Germany and sterilize or otherwise punish its gangsters. (Apr. 25th, 1934, Chicago Tribune, "Avers Dillinger Ought to Silence U.S. on Hitler")

Hitler's policies were recognized as eugenic even prior to him assuming power and dominating the headlines. As early as 1931 the New York Times was characterizing Hitler's "racial purification" policy as based upon a "criteria of race hygiene and eugenics" in a December 18th, 1931 article entitled "Nazis' Would Assure Nordic Dominance, Sterilize Some Races, Ban Miscegenation". A prime example of the eugenic aspect of National Socialism is the June 12th, 1938 New York Times article entitled "Bonus Marriages Boon To Germany" where Hitler's scheme of income redistribution to "eugenically desirable" couples is expounded. The New York Times had covered the issue previously in an article entitled "Nazi Eugenics Policy Devised to Offset Increase of Slavs". The article is important as it documents the strong ties National Socialist eugenic sterilization had to its racial policies:

There are too many mental and physical

defectives, whose support constitutes a serious burden on the State, declare the Nazis. Even if the decline in the birth rate should be arrested the proportion of elderly dependents will increase steadily, adding new burdens. At the same time the proportion of Slavs in Europe is increasing. This outlook does not please the National Socialists. Hence the many eugenic measures – the sterilization law, long-term loans to newly wedded couples and the measures designed eventually to eliminate all “non-Aryan” elements from Germany. (March 11th, 1934, New York Times)

The article documents the ban on “mixed marriages”, and makes it amply clear that their eugenic policies deemed “non-Aryan” ethnicities as “biologically unfit” and detrimental to the gene pool. This cements National Socialist sterilization, segregation, and extermination policies as a form of “scientific racism” as opposed to the guttural type of racism typically attributed to it. It placed the fate of millions firmly in the hands of doctors, as opposed to the common street thugs.

An August 5th, 1933 New York Times article entitled “Purifying the German Race” makes it amply clear that Hitler’s eugenic program was substantially similar to those of other “civilized” nations and lays down the pretext that would be used by eugenic-minded zealots whom supported Hitler’s measures in the United States and Britain:

When Goebbels, Nazi Minister of Propaganda, announced that the Germanic stock was to be improved by the application of eugenic principles a shudder must have run down many spines. If Hitler dared to revive belief in a discredited and wholly mythical Aryan as a racial ideal, what might be expected of a fanatical interpretation of Galton’s teachings? But publication of the main provisions of the sterilization law to become effective on Jan. 1, 1934, dispels such fears. Indeed, the measure drafted to weed out physical degenerates who are beyond surgical aid, deaf-mutes and the feeble-minded differ in no important respect from those long advocated in every civilized country. Germany is by no means the first to enact laws to permit or compel sterilization of

hereditary mental defectives. Some 15,000 unfortunates have thus far been harmlessly and humanely operated upon in the United States to prevent them from propagating their own kind. (Aug. 8, 1933, New York Times)

Another New York Times article appropriately entitled “The Week in Science: German Eugenics” also documented the link between American eugenics and the legislation being enacted by the National Socialist government:

Twenty-seven States have passed laws in this country to permit the sterilization of the hereditary feeble-minded and insane. By Jan. 1, 1930, more than 10,000 operations had been performed in twenty-five States. In California, the home of the **somewhat fanatical** Human Betterment Foundation, simple and painless operations have been performed on about 7,000 unfortunates, apparently with no harmful results. (July 23rd, 1933, New York Times, emphasis mine)

It was also clearly understood that it was the professional ranks, involving scientists, doctors, nurses, lawyers, and judges that would carry out this eugenic program, and that it was not a product of the guttural racism of the ranks of the Brown Shirts. This too gave a false aura of lawfulness to a regime vocal contempt for “individual rights” and “democracy”:

Professor Alfred Schittenhelm of Kiel University --- He went on to say, however that a new era had begun in Germany in which the medical society would “actively and practically employ its energies in promoting national reconstruction.” This, apparently, is to be accomplished in part by having medical men and congresses pay more attention to the “race problem.” Eugenics and heredity must be gone into when the society meets again next year, the professor announced. (Apr. 20th, 1933, New York Times, “To Study ‘Race Problem’”)

Interestingly enough, Harry H. Laughlin’s immigration recommendations, which had been the basis for the 1924 Immigration Restriction Act that

kept so many Jewish refugees from reaching U.S. shores, was at the time exposed as being “conspicuously similar” to the policies adopted by Adolf Hitler. This observation hit the nail in the head, as Laughlin was a vocal supporter of Hitler’s Nuremberg Laws, likely because they were based on his “Model Eugenic Law”. Key provisions of Laughlin’s model law were verbatim German translations of his work. This was no coincidence as the speaker may have thought. Laughlin and his eugenic counterparts in the United States and Britain had been in direct communication with Hitler’s scientists, namely Ernst Rüdin and Alfred Ploetz:

“Dr. Laughlin’s ‘purification race theory,’” Mr. Deutsch said in opening the conference, “is as dangerous and as spurious as the purified Aryan race theories advanced by the Nazis, to which it bears suspicious resemblance. His singling out of the Jews for mention as a particular race group to be barred from general admission to the United States, despite the condescending tribute to so-called ‘superior’ Jews, is a knavish, deliberate slur upon the whole Jewish people, which differs only from the Nazi brand in that it is couched in more polite language. Dr. Laughlin’s report carried all the earmarks of an attempt to introduce a racial passport system in the United States, based on the Nazi model. Inherent in his proposals is a threat as formidable as that of Hitlerism in Germany.” (May, 7th, 1934, New York Times, “State Chamber Assailed by Jews: Proposals Bear a ‘Suspicious Resemblance’ to Nazi System, Says Aldermanic Head”, emphasis mine)

A November 19th, 1933 Chicago Tribune article aptly entitled “In a Planned Society” makes it sufficiently clear that the eugenic measures were integral to a highly collectivized venture, and not in any way the acts of a state dedicated to the “right wing” values of “limited government” or *laissez-faire* economic policy:

IN A PLANNED SOCIETY. German gynecologists, discussing the Nazi sterilization law at a meeting of their society in Berlin, approved the measure,

which goes into effect Jan. 1. ---- Dr. Eugene Fischer, anthropologist of the Kaiser Wilhelm institute, observed that the eugenics law would make a fundamental change for the surgeon. Heretofore he had considered the personal interests of his patient. Hereafter he would consider the public weal. (Nov. 19th, 1933, Chicago Tribune)

This brings us to other trends that stood in contrast to the generally accepted storyline of contemporary WWII history. Recently it has come in vogue to castigate the Catholic Church’s alleged silence or lack of action during The Holocaust. In fact, it has been popular to emphasize the fact that Hitler’s mother was a devout Catholic in an effort to claim Hitler somehow epitomized traditional values; the reality being that his father was an ardent atheist which beat the young Hitler and his mother mercilessly in order to impose his will in household affairs. The violently anti-clerical National Socialism is painted as a “right wing” political movement, and this erroneous conception is used to superimpose “conservative” and “traditional” values on Hitler’s “nationalistic” form of “socialism”. This understanding of National Socialism was certainly not the understanding leading up to and immediately after the war:

- 1.) The newspapers depict a traditional German Catholicism as pitted against National Socialism’s “pagan” nature.
- 2.) There is a discernible pattern where reports of newly implemented eugenic legislation within Hitler’s Germany were documented along with the Catholic Church’s objection to the measures.
- 3.) The Chicago Tribune consistently identified the Catholic Church as the natural enemy of eugenic legislation and made it a habit to report the position of the Church whenever Hitler’s government embarked on new eugenic social controls.
- 4.) The plight of the German Catholic Church and the vigorous opposition of the German Catholic clergy was amply reported. The routine violence against both Catholic and Protestant clergy was reported enough, as to leave no doubt about the struggle.
- 5.) The newspapers did a pretty good

job of reporting the various measures taken by Hitler's government in order to divorce an otherwise pious populace from their religion, namely the banning of Sunday School for the German youth so they could be freed up to take part in the distinctly secular Hitler Youth movement.

German Bishops were often generously quoted in order to inform the American public about the true relationship between Christian institutions and Hitler's National Socialism. Several articles clarify that National Socialism was largely a secular youth movement pitted against traditional religion and morality:

"Stand fast in the faith! Enemies of the Christian faith and the Catholic Church have become legion. Youthful spirits who never, however superficially, have acquainted themselves with the catechism or the Articles of Faith seem called upon to sit in judgment on all things concerning Catholicism. Men and women who have never experienced the duties of our sacred faith or the liberty and peace of soul conferred by the Holy Communion are conspiring with all the expedients of propaganda to induce communicants to quit the church and disavow Christ." (Sept. 2nd, 1935, New York Times, "Test of Salient Parts of German Catholic Bishops' Letter")

The article went on to point out that "freedom of the press" had been largely curtailed, especially for coverage of traditional Christian views. An example of how the Vatican was portrayed as the main opponent of Hitler's eugenic policies is the May 25th, 1935 Chicago Tribune article entitled "Nazis Reveal 56,244 Have Been Sterilized":

VATICAN CITY, May 24. -(AP)- Pope Pius today told 400 delegates to the international hospital congress that incalculable damage will result for the whole world" if Nazi Germany's program of sterilization and paganism extends to other nations. The pontiff frankly told the delegates, among them several Americans, that he was not pleased over the fact that the topic "Eugenics and Sterilization" listed on their program, had been postponed for discussion at a larger

congress. He also expressed his displeasure at one delegate that one delegate had asserted the hope that the Nazi idea would be adopted by the whole world. Sees damage in paganism. "We know Germany, we have many friends there," the pope said, "but we must realize that if the German program of paganism is extended to and accepted by other nations, incalculable damage will result for the whole world." (May 25th, 1935, Chicago Tribune)

The Chicago Tribune documented the small, but meaningful victory of the German Catholic clergy in forcing Hitler to curb his eugenic measures, if but for a moment. Note the backhanded reference to National Socialism's "collectivism" in the use of an *umlaut* on the word "coordinate":

BERLIN, De. 29. - As a result of a protest by the Catholic church, the Hitler government today consented to modify the law under which some 400,000 German men and women were to be sterilized after it became effective Jan. 1. This important concession to the one power that the Nazis have thus far failed to "coördinate". [sic] (Dec. 30th, 1933, Chicago Tribune, "Catholics Win Nazi Curb on Law on Sterilization", emphasis mine)

Yet, the current pedestrian understanding of National Socialism as a "conservative" political phenomenon has gained much traction in American mass media. It is a view of history that is diametrically opposed to the events lived by those whom suffered through Hitler's reign. As documented in "From a 'Race of Masters'", to be a "conservative" or a "traditionalist" during Hitler's generation was to be a monarchist or a *laissez-faire* capitalist. As there is no aspect of Hitlerism which aspired to share power with a monarchy or an economic aristocracy, this characterization of National Socialism must be revisited, first and foremost because there is no valid understanding of Hitler's "total state" which tolerated *laissez-faire* economic or cultural policies. National Socialism was one of the most intrusive of the centrally planned societies in human history, as to epitomize what we now know as "totalitarianism". This is an

aspect of “totalitarianism” which has been conveniently forgotten largely due to Cold War politics, which defended Communism and intentionally distanced Hitler’s “total state” from Stalin’s “totalitarianism”.

Some of this confusion can certainly be attributed to poor translation of Hitler’s propaganda. The vicious antipathy towards International Bolshevism is superficially understood to mean that Hitler was against all forms of socialism, despite the obvious collectivist taint in the party’s full name: *National Socialist German Worker’s Party*. Hitler was a man full of character faults, to put it mildly, but lack of words or propaganda skills was not one of his defects. The words chosen to identify his political movement were very carefully chosen. To be precise, a reading of Hitler’s speeches quickly reveals that the popular term “Nazi” was never used by Hitler or his propaganda machine. They understood themselves to be “National Socialists”. Furthermore, many of their ranks had been sourced from the various socialist and communist parties that emerged in the post-WWI chaos that was Germany. At all times Hitler is clear that he was opposed to “international” communism or “international” Bolshevism precisely because he was opposed to having his “Aryan” nation being ruled by a one-world government run by Slavs in Moscow. Hitler’s insistence on a “nationalistic” form of “socialism” was an intentional affront towards the “internationalism” of the era, but not in any way, shape, or form antithetical to “collectivists” forms of government. The “socialism” in the party name was meant to communicate the party’s intention to subvert the “individual will” to the “common good”, as any socialist government aspires to. This aspect of National Socialism was clearly documented by the American newspapers as well:

1.) The corresponding article to the infamous TIME Magazine cover of Adolf Hitler as “Man of the Year” characterizes Hitler as a “socialist”.

2.) American newspapers did an adequate job of reporting the “nationalization” of major industry in Germany.

3.) American newspapers aptly documented the “socialization” of German

medicine where the doctor’s responsibility was to the “good of society” over and above the needs of the “individual” patient.

4.) American newspapers noticed the “nationalization” of trade unions and their incorporation into the one-party state. While I found no direct reference to the all-too-similar policies of Stalin’s Bolshevik government, the measure should have been clearly understood as being a carbon copy by that generation of Americans, as the Bolshevik takeover of the Russian trade unions was widely documented as well.

5.) The fate of the small shop keeper, the land owner, and the industrial magnates was reported whenever Hitler’s boot came to land on their collective necks as all aspects of the German economy were folded under the auspices of National Socialism.

6.) The tell-tale raw material shortages known to be endemic of early 20th century collectivism were reported as an outcome of Hitler’s new economic measures.

A good example is the May 20th, 1937 Chicago Tribune article entitled “Nazi Snoopers and Bureaucrats Anger Germans”[sic]. The article documents the severe raw material shortages that were strangling everyone without political clout as well as the gargantuan size of Hitler’s centrally planned society:

In order to get an idea of the size of the bureaucratic army it is interesting to figure out how often a citizen is card-indexed. He is registered with the local police, the central police, the secret police, and the army. He is registered in the home “cell” to which his home belongs and in the “block” to which the cell belongs. His name appears on the winter relief lists [as donor or recipient]. It is on Nazi welfare association lists, on the butter and fat lists, on the income tax lists, on the city tax lists, on the church tax lists. It also appears in the Labor Front, in the guild of profession, in the Strength Through Joy movement, and in the Nazi party, if he has the honor of belonging to it. [sic] (May 20th, 1937, “Nazi Snoopers”)

The “Labor Front” was the one-party state-run union, and the “Strength Through Joy” was one of its

compulsory health programs implemented to insure that the “Aryan” workforce was maintained also as a viable gene pool. Of course, the post-9/11 digital surveillance realities make the insidious nature of Hitler’s governmental controls seem uncomfortably familiar, but it was truly unprecedented for the analog 1930s that had yet to invent a use for radio waves.

Another Chicago Tribune article from May 4th, 1933 entitled “Industry Goes Nazi in Germany: Hitler is Boss – Chancellor Plans to Bend Business to His Ends” documents “Nazi control of vital industries”. The Tribune revisited the “socialization” and “nationalization” of the German economy often, and again on in an article titled “Hitler Prepares to Nationalize German Mines: Pledge in Original Nazi Program to Be Filled”:

Nationalization of mines represents a partial fulfillment by the Nazi government of the plank in Hitler’s original 25 point program calling for “**nationalization of all trusts and united companies**”. (February 27th, 1935, Chicago Tribune, emphasis mine)

Another Chicago Tribune article of January 18th, 1938 entitled “Middle Classes Being Ruined by Hitler Policies” could not have made the point any. The article quotes the 25 Point program of National Socialism in its central concept that “common welfare ranks private welfare”, and smacks of collectivism under Lenin and Stalin:

BERLIN, Jan. 17. – Reichsfuehrer Hitler recruited most of his supporter in the ranks of the middle classes when he started to drum up followers before he came into power. “A healthy middle class” and “Smash the department stores” were slogans which lured them. But this 16th point of his program, middle class tradesmen claim, is not being fulfilled. Small enterprises are being drowned out, with the lack of raw material hastening their doom. Real estate reform, demanded in Point 17 of Hitler’s program, calls for the confiscation of land for “national common needs.” Many owners of real estate were compelled to turn over their property to provide airfields, playgrounds, barracks and endless office buildings. ---- Death

sentences for “persons endangering national welfare,” demanded in Point 18 of Hitler’s program, are being enforced through “People’s Courts.” (Jan. 18th, 1938, Chicago Tribune)

Last, but not least, the generation that read the daily newspaper coverage of the Nuremberg Trials were educated on what was seriously wrong with the method by which the Trials were being prosecuted. While it is only fair to state that the vivid details of an event are lost to history as we get further in time away from it, historians are typically pretty good about capturing the grander topics and issues of importance to a historical event. Some historians of the Nuremberg Trials have documented the criticism the Trials received, mostly making references to the charge that they were “victor’s justice” as well as the observation that they were “ex post facto” law. Yet, as serious as the charge of convicting on “ex post facto” law was, the collective memory of the Trials does not include some of the other serious controversies which boiled to international notoriety during the Trials:

1.) Three of the American judges that presided over the Nuremberg Trials, led by the very well respected Judge Wennerstrum, rebelled against the powers in charge because of the special rules and procedures implemented for Trials.

2.) American newspapers clearly covered the complaints of these judges, namely their lambasting of the rules of evidence for the fact that the prosecution had sole control over any piece of evidence that could be submitted.

3.) The Chicago Tribune was at the forefront of this attack as the heads of the American prosecution were caught spying on one of its news correspondents.

4.) Witnesses, aside from the accused, were also being jailed and severely beaten in order to coerce testimony favorable to the prosecution, as noted by the British officer famous for his development of the tank during WWI.

5.) Newspapers around the world covered the fact that a German judge, whom had been part of the plot to kill Hitler, denounced the Trials as adopting the same practices as the infamous “People’s Courts”

of Hitler's Germany.

6.) The Chicago Tribune went as far as calling for a criminal trial where the American Nuremberg team would be prosecuted for all of the improprieties of the Trials.

A February 28th, 1948 Chicago Tribune article titled "Dishonor at Nuremberg" quotes Judge Wennerstrum's views on the handling of the International Tribunal by the U.S. Army prosecution team:

"The high ideals announced as the motive for creating these tribunals have not been evident. The prosecution has failed to maintain objectivity aloof from vindictiveness, aloof from personal ambitions for convictions. It has failed to strive to lay down precedents which might help the world to avoid future wars." (Feb. 28th, 1948, Chicago Tribune)

A historically significant observation was made by Judge Wennerstrum in pointing out that the German people were not privy to news coverage of the Trials; a practice which was in direct contradiction to the core purpose of the Trials, which was to expose the German people to the acts of their National Socialist leadership in order to change their minds and hearts. If true, the observation lends credible weight to the accusation that the Trials were being conducted only for an American audience with political calculations in mind.

"I thought the main aim of the trials was to educate the German people on the character and consequence of the defendants' acts," he said. "The trials have not accomplished this purpose. The German people are not being informed of what is happening at Nuernberg. What they do learn is that the trials are being conducted in a manner that is unnecessarily vindictive." [sic.] (May 6th, 1948, Chicago Tribune, "Judge in Nazis' Trial Answers Latest Attack")

A pattern emerges where the ranks of those opposed to the Nuremberg Trials were either insiders that held high positions at Nuremberg, or those trained and experienced in military law. The

group of American attorneys including Earl J. Carroll, Thomas L. Foley, and Joseph S. Robinson accused the prosecution team lead by Telford Taylor of convictions based entirely "on unsworn statements and testimony". This group too had a background in military law. Even worse, they made clear reference to the fact that Taylor had once been the apprentice of Alger Hiss, the man we now know to have been a communist spy:

The attorneys said in the interview that the staff of Brig. Gen. Telford Taylor, chief American war crimes prosecutor, is "loaded" with known Communists. (Mar. 17th, 1948, Chicago Tribune, "Ask U.S. Court to Free German at Nuernberg" [sic])

This accusation ran deeper than is recalled by historians, if recalled at all. Telford Taylor was a zealous "New Dealer" whom had been previously questioned in his role surrounding the intelligence failures that lead up to Pearl Harbor. A Chicago Tribune article titled "Judicial Revenge" quotes a once prominent Senator Taft:

"The hanging of the Nazis discredited the fair name of justice in this world. The so-called trial merely carried out a policy clothed in the forms of legal procedure. It took place under ex post facto law, repugnant to our Bill of Rights, and reached a decision made before the trial began." [sic.] (May 14th, 1948, Chicago Tribune, "Judicial Revenge")

While observations made during a political campaign smack of politics as usual, Senator Taft's observations are solidly grounded on an accurate reading of the Bill of Rights, as well as justified by the fact that the Nuremberg prosecution team had the very, very, very unusual right to censor the evidence presented by the defense. The Chicago Tribune documented in follow-up articles that the complaints reached as far up as President Truman. As discussed in "From a 'Race of Masters' to a 'Master Race': 1948 to 1848", those in charge of the Nuremberg Trials had more than a casual connection to American eugenics. More precisely, Justice Robert Jackson, the man directly in charge of Telford Taylor's prosecution team, had been part of the U.S. Supreme Court team of justices that had sanctioned

eugenic measures, therefore making their position of judgment over the Germans highly questionable. An article entitled "Legality and Decency Reasserted" traces the highly questionable, if not completely corrupt "special rules of evidence" to Justice Jackson:

The rule of evidence which Jackson prefunded to try this case states: "The tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and nontechnical procedure, and shall admit any evidence which it deems to have probative value." Under this code, the Nuernberg tribunal could and did admit evidence which no criminal court in the United States would have received. [sic.](Sep. 8th, 1947, Chicago Tribune, "Legality and Decency Reasserted")

This article is important as it also documents how the practices adopted by Jackson and Taylor were not only unusual for U.S. law, but a violation of the "Articles of War", which judges and attorneys serving under the U.S. Armed Forces, precisely like Taylor and Jackson, were duty-bound to follow:

Jackson circumvented the constitutional prohibition against ex post facto law. He ignored the Constitution's "due process" clause. His rules of evidence were in plain violation of the articles of war governing the conduct of military commissions. The 25th article prohibits the use of depositions in the trial of capital cases before military commissions, except by the defendant. The 38th article provides that military courts and commissions shall, so far as practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the District courts of the United States. [sic.](Sep. 8th, 1947, Chicago Tribune, "Legality and Decency Reasserted")

Col. Charles M. Dickson, a retired judge advocate for the U.S. Army's 3rd Service Command and a judge in Texas was critical of the lack of the right of appeal from the verdicts of Nuremberg. Dickson would second Wennerstrum's observations, calling Telford Taylor a "persecutor and no prosecutor" for his highly questionable acts. Most

importantly, Dickson questioned the Constitutionality of the creation of the tribunals by the President. While Dickson makes no reference to F.D.R.'s anti-Semitic views, Holocaust Historians have documented President Franklin D. Roosevelt's ardently anti-Semitic views, and more importantly the eugenic taint on his decision making. The F.D.R. administration took significant steps over and above the already restrictive and eugenic-minded 1924 Immigration Restriction Act, curtailing the immigration quotas beyond their already meager numbers. Historians have documented how out of the approximate 25,000 slots available per year, the F.D.R. administration actively blocked their use; the result of which was that on average only 2,000/year were allowed in during the critical years of The Holocaust. A recounting of the President's statements on the matter divulge the eugenic taint in his decision making process. It is important to put this into the political context within the United States. The stonewalling of the F.D.R. administration of Jewish refugee applications was well documented by newspapers, and the more the American public learned about the atrocities, the bigger the political embarrassment for both the President and for any Progressives that had supported eugenic-minded immigration legislation. The strong connection between American Progressivism and eugenic legislation became a potential political scandal as the consequences of Hitler's eugenics became known:

"This war crimes court was not established by any act of congress," Dickson asserted. "The sole authority for this so-called tribunal of justice was an executive order from the President, which thus made it nothing more than a court martial. As such it was outmoded and antiquated." (Feb. 24th, 1948, Chicago Tribune, "Army Ignores Criticism of Nazi War Trial")

These same newspapers had in the years between 1900 and 1933 widely documented the every move of the international eugenics movement, especially the works of its leadership including Leonard Darwin, Charles B. Davenport, and Harry H. Laughlin. Anyone that had followed the movement would have recognized the verbatim adoption of the

eugenic concepts previously expounded by the eugenic leadership. More importantly, those tuned into the political fray would have recognized the Progressive legislation as being substantially similar in ideological taint as the eugenic legislation implemented by the Third Reich. While it may seem farfetched that an entire defense team could be silenced and prevented from exposing the decade long correspondence and connections between prominent American institutions, an understanding of the stranglehold three American prosecution team had on those in the occupied German zone sheds light on how access to vital pieces of evidence and the decades of newspaper coverage within the United States and Britain was controlled.

Alas, it was the fact that Telford Taylor was reading the mail of the Chicago Tribune's correspondent that spurned such an aggressive response from the Tribune. Taylor and his staff was forced to admit to the charges, as his secretary bragged about her espionage in social gatherings, and the U.S. Army was forced to enact new rules in response to this highly publicized revelation of impropriety. The Chicago Tribune cornered Telford Taylor as having expert knowledge on the matter and exposed the fact that he should have known better than to intercept the private communications of the press::

"Under the military government" I asked, "doesn't American law apply, giving THE CHICAGO TRIBUNE property rights to my dispatch, rights which you trespassed?" ---- "I don't know whether it was legal or not" he replied. ---- "Weren't you general counsel of the federal communications commission for two years before being commissioned in the army?" ---- "Yes, but what does that have to do with it?" ---- "It has to do with your qualifications to judge whether or not you violated the law in removing my dispatch from private communications office." [sic.] (Feb. 25th, 1948, Chicago Tribune, "Silent on Piracy")

The Tribune went further and questioned how Telford Taylor received the "distinguished service medal" without ever being exposed to combat. While the Tribune may have questioned Taylor's credentials in order to expose the fact that he should

have known better than to engage in the ethically and legally questionable practices, their revelation about Taylor's background makes an even more important point: The Nuremberg Trials were the single most important criminal case in human history. Within the United States there were plenty of highly experienced criminal attorneys and judges that could have handled the Trials, and which quite honestly deserved the honor to do so. The choice of an obscure communications law attorney to handle the most important criminal trial of all human history is surely suspect.

As documented in "From a 'Race of Masters' to a 'Master Race': 1948 to 1848", the tangled web between American, British, and German institutions is significant. The political stakes were high, and exposing complicity was very likely a fear in the minds of those in power.

Clearly, the practice of allowing the prosecution to have the final say on what evidence the defense could submit is enough to blow the legitimacy of the Trials out of the water. It certainly vindicates Judge Wennerstrum and the Chicago Tribune in their lambasting of Justice Jackson and his chief prosecutor, Telford Taylor. If Jackson and Taylor can be taken at their word that the Trials were being conducted mainly for posterity, then this revelation about the rules of evidence alone not only exposes them as frauds, but goes a long way to explain how the term "eugenics" was conveniently kept out of the proceedings along with any mention of how American and British institutions collaborated with Hitler's scientists. This is no academic notion. The consequences are an unseemly legacy.

The most horrid consequence of omitting key portions of history is the opportunity that is thus left open for the doubters. Judge Wennerstrum's observations have been fodder for more than a handful of Holocaust deniers, whom are quick to point out that something was rancid about the trials, but too dimwitted to make their way to understanding what was being whitewashed and why. The amateurish approach is revealed when these "deniers" conceive of the United States as acting in a monolithic and coordinated way. Anyone that knows anything about politics in the

deeply divided two-party system knows that every foreign policy and domestic position has its polar opposite, and that exposing mistakes or inconvenient associations results in major political fallout for the culpable political party. It is within this context that the failures of Nuremberg must be understood, as opposed to the simplistic and superficial analyses that understands them as part of a “victor’s justice.”

A good example of how the post-1942 newspaper coverage documented Hitler’s eugenic policies without ever labeling them as such was the October 26th, 1946 Chicago Tribune article entitled “U.S. Indicts 23 Nazi Doctors in Mass Murders”. The article describes the eugenic policy in terms that would have been fully attributable to the science of eugenics but sidesteps the use of the term:

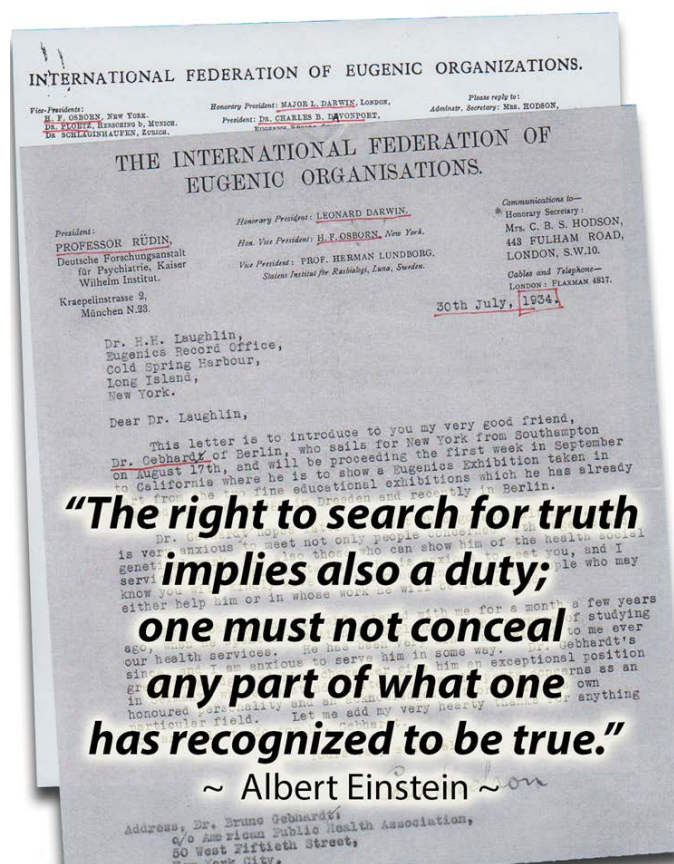
The euthanasia program involved the “systematic and secret execution of the aged, insane, incurably ill or deformed children” in nursing homes, hospitals, and asylums, on the ground that such persons were “useless eaters” and a burden to the German war machine. (Oct. 26th, 1946, Chicago Tribune)

Legitimate issues and serious controversies surrounding the Nuremberg Trials seem to have been simply omitted from history, and this leaves a vacuum for Holocaust deniers to fill with whatever filth they desire. This is how a prejudiced or politicized telling of history sets the table for those that would pervert it; precisely by failing to tell “the truth, the whole truth, and nothing but the truth”. The seeds of Holocaust denial take root and prosper with misinformation. Clarity and transparency are imperative, as they leave no room for denial theories that would deprive the victims justice, or rob the living of a future.

MORE IN-DEPTH INFORMATION ABOUT THIS TOPIC CAN BE FOUND WITHIN THE PAGES OF “FROM A ‘RACE OF MASTERS’ TO A ‘MASTER RACE’: 1948 TO 1848”. ISBN-13: 978-0615747880
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Background image is a scan of several pieces of correspondence of the I.F.E.O.; the organization through which American, British, and German eugenicists collaborated. (Printed with special permission by the Truman University Special Collections Department in the book “From a ‘Race of Masters’ to a ‘Master Race’: 1948 to 1848”)